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TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H12-0341-16 **Date of Decision:** 13th July 2016

Applicant: Mr Phil Congreve
Smiths Farm
Lutton Bank
Spalding
Lincs
PE12 9NB

Location: Adjacent: Norton Lodge Lutton Gowts Lutton Spalding

Description: Residential development - comprising 4 two-storey detached dwellings and 2 two-storey semi-detached affordable dwellings

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The site is located to the north of existing frontage development, the latter of which defines the northernmost extent of Long Sutton Development Boundary as defined in both the South Holland Local Plan, 2006 and emerging South East Lincolnshire Local Plan. The aforementioned both make provision for limited infill development only within the northernmost extent of the settlement boundary.

The site is approximately 1.5km from the centre of Long Sutton, where the main services and facilities are situated. It is not on a regular public transport route. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles to access local services which, no matter the distance of travel involved, would be contrary to one of the core planning principles of paragraph 17 of the National Planning Policy Framework to make the fullest use of public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning. It is therefore considered that a development of this scale is not suitable in terms of sustainability.

Consequently, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development. It is therefore contrary to Policies SG1, SG2 and HS7 of the South Holland Local Plan and Paragraph 17 and Section 6 of the National Planning Policy Framework, 2012. In particular, Paragraph 49 indicates that new housing should be in a sustainable location.

2 The proposal would extend the built-up area of the settlement into the open countryside, to the detriment of the prevailing rural character of the area. It would also encourage further applications of a similar nature, which would then be hard to resist. The impact of the development would also be accentuated as a result of finished floor levels being 1 metre above existing ground level to address flood risk.

Moreover, Sneath's Mill (grade I listed) is located opposite the site. It dates from the late C18 and is believed to be the oldest tower mill in the country. With much of its original machinery surviving it is also believed to be the last of its kind in Lincolnshire. Part of its significance is its open rural setting, which although has been subject to development during the C20, nevertheless articulates the reason for the mill being sited in this location; that is, to take full advantage of the combination of easterly winds and the local geography to maximise power generation.

The proposed development would be approximately 80 metres to the east of the mill. The introduction of any built form within this field would result in the current openness and rural character being lost. The essential openness is part of the local Fenland character, and is fundamental to the setting of the mill and contributes to its significance and the way in which it is experienced and appreciated as a historic feature within a historic rural landscape. The infilling of the gap with houses is also likely to have a negative visual impact upon views of the mill, particularly when proceeding along Daniel's Gate, Lutton Gowts and Monmouth Lane.

It is therefore considered that the impact of the proposal would result in harm to the prevailing rural character of the locality and also the significance of a highly graded heritage asset. The proposal is therefore contrary to Policies SG4 and SG14 of the South Holland Local Plan, 2006 and advice within Paragraphs 14 and 17 and Sections 7 and 12 of the National Planning Policy Framework, 2012, which indicate that new development should contribute towards protecting and enhancing the environment.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reasons for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:
Dwg. No. 5459/01A;
Heritage Impact Assessment;
Flood Risk Assessment by Engineering Support Practice Ltd.



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.